Assembly

Distr.: General
19 June 2018

Original: English

Twenty-fourth session
Kingston, 2–27 July 2018
Item 6 of the provisional agenda*
Consideration of requests for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Request submitted by Mining Standards International for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Note by the secretariat

1. On 14 June 2018, Mining Standards International submitted a letter to the Secretary-General of the International Seabed Authority, requesting observer status in the Assembly of the Authority under rule 82, paragraph 1 (e), of the rules of procedure of the Assembly. The text of the letter received from the applicant, together with supporting information, is attached as an annex to the present note.

2. In accordance with rule 82, paragraph 1 (e), of the rules of procedure, non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly that have demonstrated their interest in matters under consideration by the Assembly, may participate as observers in the Assembly.

3. Paragraphs 5 and 6 of the same rule further provide that observers referred to in paragraph 1 (e) of that rule may sit at public meetings of the Assembly and, upon the invitation of the President and subject to approval by the Assembly, may make oral statements on questions within the scope of their activities, and that written statements submitted by observers referred to in paragraph 1 (e) of that rule within the scope of their activities that are relevant to the work of the Assembly should be made available by the secretariat in the quantities and in the languages in which the statements are submitted.

* ISBA/24/A/L.1

18-10023 (E) 270618

Please recycle

Annex

Letter dated 14 June 2018 from the Managing Director of Mining Standards International addressed to the Secretary-General of the International Seabed Authority

Mining Standards International is an organization based in Australia and focused on improving accountability and transparency in the global mining industry. We respectfully request that our organization be recognized by the Assembly as an observer to the International Seabed Authority under rule 82, paragraph 1 (e), of the rules of procedure of the Assembly.

Mining Standards International was established in 2015 to develop a comprehensive set of performance measures across the fields of geology, operations, sustainability, governance and finance and to perform independent and integrated assessments against those standards, in order to provide greater insight into the performance of mines and mining firms across the world. We have established a world-class board of advisers, including the former Minister for Foreign Affairs of Australia, Gareth Evans, the former Chair of the Standing Commission of the Red Cross and Red Crescent, Greg Vickery, and technical and operational leaders from the mining industry, including Tony Filmer, Ph.D., and Doug McTaggart Ph.D.

Mining Standards International has worked in close collaboration with leading academic institutions, such as the Sustainable Minerals Institute of the University of Queensland, the University of Newcastle and the University of Western Australia. Mining Standards International has advised Governments, including that of South Australia, on the development of a leading-practice mining law reform efforts. Recently, Mining Standards International has been supporting the contractor of the Government of Nauru, Nauru Ocean Resources Inc., with respect to possible international and comparative mining law codes relevant to the mining code being developed by the Authority.

The Managing Director of Mining Standards International, Robert Milbourne, is a mining law expert, an adjunct professor at the University of Queensland and a fellow of the Sustainable Minerals Institute of that university. For the past eight years, Mr. Milbourne has taught international and comparative mining law in university law and graduate programmes. For the last three years, he has delivered seminars for the ministerial mining summit of the International Mining and Resources Conference and has advised Myanmar, Indonesia and Papua New Guinea on mining law matters. Mr. Milbourne has previously advised Nautilus Minerals and DeepGreen Metals with respect to seabed minerals mining law. He served for seven years as a global counsel to mining law firm Vale, and seven years as an equity partner in two international law firms (Norton Rose Fulbright and K&L Gates). Mr. Milbourne would represent Mining Standards International if the present application is accepted.

The primary objectives of Mining Standards International are:

- To promote and improve the understanding of mining operations across integrated metrics to enhance trust and performance in the global mining industry
- To advise stakeholders, including Governments, industry and other participants, in the development of innovations to improve governance and accountability
- To research and advise on global developments with respect to the regulation and governance of the mining industry
- To engage with leading advisory firms in collaboration to improve accountability and performance through innovative solutions

Mining Standards International has a strong interest in the work of the International Seabed Authority and is interested in becoming an official observer for the following reasons:

(a) Mining Standards International is sponsoring academic doctoral research on international mining law and policy with Griffith University Law School;

(b) The core work of Mining Standards International is directly related to the developments emerging within the Authority;

(c) The clients of Mining Standards International are involved in developing the resources of the Area;

(d) Mining Standards International seeks to provide independent expertise to contractors and sponsoring nations with respect to international mining law.

Please refer to the enclosure for further background information. Mining Standards International believes that it can contribute a unique and valuable perspective to the development of the mining code and, accordingly, I request your support for our application for observer status.

(*Signed*) Robert **Milbourne**
Managing Director
Mining Standards International

Enclosure

Supporting information on the request submitted by Mining Standards International for observer status in the Assembly of the International Seabed Authority

1. Name of organization

Mining Standards International

2. Address of office

18 Barker St., East Brisbane, Queensland, Australia, 4169
Attn.: Robert Milbourne

Tel: +61 447 50 02 90

Email: Robert.Milbourne@Mining-Standards.com

Website: www.mining-standards.com

3. Name and title of proposed primary representative

Robert Milbourne
Managing Director, Mining Standards International
Doctoral candidate, Griffith University Law School
Adjunct professor, University of Queensland
Fellow, Sustainable Minerals Institute, University of Queensland

4. Aims and purpose of Mining Standards International

- To promote and improve the understanding of mining operations across integrated metrics in order to enhance trust and performance in the global mining industry
- To advise stakeholders, including Governments, industry and other participants, in the development of innovations to improve governance and accountability
- To research and advise on global developments with respect to the regulation and governance of the mining industry
- To engage with leading advisory firms in collaboration to improve accountability and performance through innovative solutions

5. History

Mining Standards International was formed in December 2015 and has led research and development of innovative platforms for accountability and transparency in the resources sector and provided advisory services for Governments and mining firms in Australia and internationally. Mining Standards International has been endorsed by the premier research organization in Australia, the Commonwealth Science and Industrial Research Organization, as well as Australian state Governments, international stakeholders such as the Papua New Guinea Sustainable Development Programme, industry research groups such as METS Ignited, Mining3 and the Sustainable Minerals Institute of the University of Queensland, and universities, including the University of Western Australia, the University of Newcastle and the University of Queensland.

6. Recent activities

- Mining Standards International advised the Government of South Australia on its leading-practice mining law reform effort.
- Mining Standards International led a consortium tender to advise the Government of Queensland on the independent review and assessment of all mining activity in the State, partnering with PricewaterhouseCoopers, SRK and PPB Advisory.
- Mining Standards International advised stakeholders on a large restructuring of a nickel mine in South America.
- Mining Standards International advised Nauru Ocean Resources Inc. on regulatory matters linked to the International Seabed Authority.
- Mining Standards International regularly leads workshops and seminars and provides commentary to international mining industry stakeholders, including at an annual invitation-only government ministerial mining seminar at the International Mining and Resources Conference, and most recently served as a panellist at the Future of Mining conference.

7. Descriptive statement of the extent to which the purpose of Mining Standards International relates to those of the International Seabed Authority and the contributions that can be made to the work of the Authority

The purpose of Mining Standards International is to promote and deliver innovation to improve accountability and transparency in the performance of the global mining industry. Mining Standards International has led collaboration among industry, academia and Governments, as well as conducting academic legal research and providing public commentary. Mining Standards International has unique expertise in understanding the necessary fundamentals of a best-practice mining code that reflects the interests of multiple stakeholders.

8. Structure

Mining Standards International has an internationally recognized advisory board, including the former Minister for Foreign Affairs of Australia, Gareth Evans, the former Chair of the Standing Commission of the Red Cross and Red Crescent, Greg Vickery, and an executive team that includes the longest-serving Director-General of the Queensland Department of Natural Resources, Mines and Energy, Dan Hunt, and Tony Filmer, who has senior executive roles with Vale, Anglo American, Rio Tinto, the Commonwealth Science and Industrial Research Organization and others, in each case to implement technical best-practice mining solutions and innovations.